

QUESTIONS AND ANSWERS ON NEW REGULATIONS

Family Child Care Home I and Family Child Care Home II (391 NAC Chapters 1 and 2)

General Questions

1. How will Family Child Care Home Licensees get answers to their questions?

Anyone involved in the operation of a Family Child Care Home I or II can call or e-mail any staff in the Child Care Licensing Program with a question about regulations. A “Questions and Answers” for each type of license will be on the Child Care Licensing Web Page and updated with new questions from time to time.

Information about the “Questions and Answers” will be shared with the Early Childhood Professional Development Coordinators for inclusion in their newsletters.

2. How will Licensees/Directors know when new forms are available?

When the “Questions and Answers” are posted on the Child Care Licensing Web Site, we will make sure all new forms are also posted.

Notification of Changes (FCCH I: 1-004.04, pages 11-12; FCCH II: 2-004.05, pages 12-13)

1. Does every license amendment require a fire safety and licensing inspection, zoning, etc.?

Zoning approval is required for all applicants for a Provisional Family Child Care Home I in Lancaster County.

Zoning approval is required for all applicants for a Provisional Family Child Care Home II. The only amendment to a Family Child Care Home II license that requires zoning approval is a change in location/address.

The amendments to a Family Child Care Home I or II license that require a Fire Safety Inspection and a licensing inspection include: change in location/address, use of space that was not approved by the Fire Marshal, expanding the hours of care to include care after 9:00 p.m., and increase in license capacity.

2. Foster Care homes have to submit amendment for new kids-submit within 2 days? Does a person just need to call in and get like 10 packets....so you can submit within 2 days? Foster kids come and go-sometimes they are not there for 24 hrs.

Family Child Care Home I licensees must submit an Amendment to Application “before the change” when there is a new household member age 13 or older. If the new household member is age 12 or younger, the licensee must submit an Amendment to Application within two working days of the change.

Family Child care Home II licensee must submit an Amendment to Application “at least five working days before the planned change” when there is a new household member age 13 or older. If the new household member is age 12 or younger, the licensee must submit an Amendment to Application within two working days of the change.

Inspections and Complaint Investigations (FCCH I: 1-005, pages 13 – 14; FCCH II: 2-005, pages 15 – 16)

1. Will a checklist be available to the providers that Child Care Inspection Specialists use when conducting inspections?

Yes, licensees will be given a copy of the checklist a Child Care Inspection Specialist uses after the inspection is conducted.

BACKGROUND CHECKS (FCCH I: 1-006.02, pages 16-20; FCCH II: 2-006.02, pages 18-22)

1. When do I have to obtain a criminal history record check on myself and household members? Will there be forms available at some point so we know what we need to get?

Criminal history record checks are only required on new applicants for a Provisional license, AND new staff and household members starting May 20, 2013. If you need to obtain a criminal history record check on a new household member or staff, you can obtain the check either from your local law enforcement agency (County Sheriff or City Police Department) if the person has lived in the same city/county their entire adult life or the State Patrol – if the individual has lived in other Counties throughout the state. If the individual has lived in Nebraska less than 12 months, you will need to submit a criminal history record check from the previous state(s) of residence.

There is no specific form that is used by local law enforcement agencies to request a Criminal History Record Check. Some law enforcement agencies charge a fee; others do not charge a fee. Instructions for obtaining a State Patrol Criminal History Record Check are on the State Patrol web site: <https://www.nebraska.gov/apps-nsp-limited-criminal/> The request can now be made electronically.

2. Can a person who has been convicted of a felony be on the premises of a Family Child Care Home when kids are not present? The person who has been convicted of a felony is an adult child of the licensee and not a household member.

Whether a person who has been convicted of a felony can be on the premises depends on what the nature of the felony conviction. Generally, a person who has been convicted of a felony cannot be on the premises during the hours/days of operation, regardless of whether children in care are present. Licensees will want to contact their Child Care Inspection Specialist whenever there is a question about an individual who has a serious criminal history being on the premises of a licensed Family Child Care Home during the hours/days of operation.

There are no limitations on who can be on the premises of a Family Child Care Home outside of the hours/days of operation.

3. Does the sex offender registry check only have to be conducted on new staff and household members age 19 and older after May 20th?

Yes, the State Patrol Sex Offender Registry is a new requirement for household members and staff starting May 20th. All new household members and staff must be reported to the Department – See “Notification of changes”.

If a household member or staff reports a conviction for a sexual offense, Department staff who review the background checks, will also check the State Patrol Sex Offender Registry. Not all individuals convicted of a sexual offense will be on the Sex Offender Registry.

STAFF, VOLUNTEER, HOUSEHOLD MEMBER QUALIFICATIONS AND REQUIREMENTS (FCCH I: 1-006.03, pages 20-21; FCCH II: 2-006.03, page 22)

1. What about “occasional helpers”--ones who may only help out for a day or two--do we need the child abuse registry check documentation as well as the felony/misdemeanor and the criminal background check? This would include the occasional high school student, relative, etc.

Criminal history record checks are only required for new staff and household members, as of May 20, 2013 who are age 19 and older. Child Abuse Registry checks are required for any one age 13 and older. Family Child Care Home licensees should have the name of anyone routinely use as a “helper” – more than just in an emergency - on the application submitted to the Department.

All Family Child Care Home I licensees should check the copy of the most recent application to see if everyone used as a "substitute" or "helper" is listed. If not, submit a new application with the names of everyone you plan to use as a "substitute" and/or "helper" and the appropriate documents for each one based on their age. Read the regulations and contact Kathy Olmstead (Douglas, Sarpy, Washington, and Cass Counties) or Suzie Weber or Kathryn Parham (all other Counties) if you have questions about this.

Kathy can be reached at: Kathy.olmstedbackhus@nebraska.gov; Suzie can be reached at: suzie.weber@nebraska.gov and Kathryn can be reached at: Kathryn.parham@nebraska.gov

All Family Child Care Home II licensees should check the copy of the most recent application to see if everyone used as a "substitute," "secondary provider," and/or "helper" is listed. If not, submit a new application with the names of everyone you plan to use as a "helper" and the appropriate documents for each one based on their age. Read the regulations and contact Gina Ewing (Douglas, Sarpy, Washington, and Cass Counties) or Cindy Strufing (all other Counties) if you have questions about this.

Gina can be reached at: gina.ewing@nebraska.gov and Cindy can be reached at: cindy.strufing@nebraska.gov

Felony/Misdemeanor Statement is now called "Report of Law Enforcement Contact" but it is the same form and we will accept the F/M Statement. This is required for individuals age 19 and older.

2. Will parents who transport for field trips need to have a Report of Law Enforcement Contact, Criminal History Report, Consent/Release of Information completed, and a Sex Offender Registry Check done prior to transporting child care children just for the field trip?

There is no provision for "uncompensated parent helper" in Family Child Care Home regulations. If a parent is considered a "volunteer", then a Report of Law Enforcement Contact, criminal history record checks, Child Abuse/Neglect, Adult Protective Services, and Nebraska State Patrol Sex Offender Registry checks, name, address, telephone number, Social Security number, start date, and written schedule of hours/days the individual serves as a volunteer must be in the volunteer's file.

3. What do FCCH Licensees need to do when a household member turns age 13? What do FCCH Licensees need to do when a household member turns age 19?

When a household member who is already listed on the application turns 13, the licensee needs to submit a Consent and Authorization for Release of Information to the Staff Assistant (See response to question #1) so the Department can conduct a Child Abuse/Neglect Central Registry check on the household member. A new application is not required as long as the household member is already listed on the most recent application.

When a household member who is already listed on the application turns 18, the licensee needs to submit a Consent and Authorization for Release of Information to the Staff Assistant (See response to question #1) so the Department can conduct an Adult Protective Services Central Register check on the household member. A new application is not required as long as the household member is already listed on the most recent application.

When a household member who is already listed on the application turns 19, the licensee needs to submit a Report of Law Enforcement Contact to the Staff Assistant (See response to question #1). If the household member reports criminal history on the Report of Law Enforcement Contact or the licensee knows the household member has misdemeanor or felony convictions, the licensee must also obtain a Criminal History Record Check and submit that to the Staff Assistant. If the household member does not report or have any misdemeanor or felony convictions, a Criminal History Record Check is not required. A new application is not required as long as the household member is already listed on the most recent application.

NEW TRAINING REQUIREMENTS (FCCH I: 1-006.04, pages 21-23; FCCH II: 2-006.04, pages 22-25)

1. What classes count towards the seven domains of Nebraska's Early Learning Guidelines?

The training on the seven domains of Nebraska's Early Learning Guidelines is offered through Early Childhood Professional Development Coordinators and is clearly called "Nebraska Early Learning Guideline Training" for each domain. Each domain is a six clock hour class. The domains are: Approaches to Learning, Creative Arts, Health and Physical Development, Language and Literacy Development, Mathematics, Science, and Social and Emotional Development. If you are unsure if a training you want to take meets the requirement for Nebraska's Early Learning Guidelines, ask the instructor or entity offering the training before you register for the training.

2. When we complete training on SIDS/Safe Sleep, Shaken Baby, Child Abuse/Neglect or the seven domains of the Early Learning Guidelines, do those classes count towards our annual In-Service hours as well?

All required training counts toward the required 12 clock hours of In-Service Training each year.

3. Do we need to send in our certificates or just keep them handy for when you come to do an inspection?

Each licensee needs to keep certificates for all training – do not send certificates to your Child Care Inspection Specialist. We recommend every licensee maintain a file for all their "Professional Development" activities including in-service training.

4. Do the self-study packets for the Early Learning Guidelines work for meeting the requirement for having to complete the Early Learning Guidelines? Or do licensees have to attend the face to face trainings?

Each of the seven (7) Domains of the Early Learning Guidelines can be taken as a self-study. The self-study for each Domain includes three packets estimated to take two hours each to complete. For more information about the self-study option, contact the Early Childhood Training Center: <http://www.education.ne.gov/oec/ectc.html>

5. If a FCCH licensee took business management class years ago will it count toward the "Business Management Training" requirement?

If the Family Child Care Home licensee completed the Child Care Management Training at any time in the past years, the licensee does not need to take the Business Management Training described in the regulations.

However, if the Family Child Care Home licensee completed other training or a college level course in business management, an "equivalency" would need to be determined. Later in 2013, the Department will review requests for equivalencies for all new training curriculums. If the business management class included all of the topics covered in the "Business Management Training," an equivalency will be approved.

6. If a FCCH licensee has an Associate's Degree from a Community College, will this count for the Early Learning Guidelines training?

Later in 2013, the Department will review requests for equivalencies for all new training curriculums. If the Associates Degree included classes that included all of the topics covered in the "Early Learning Guidelines Training," an equivalency will be approved.

7. Is it acceptable to take one of the "online" classes for my CPR training?

CPR Training for child care must include practice and testing with a mannequin. This is not available through on-line training. Just having the information about how to use the skills is not sufficient. You must practice and show competency that you know how to do the skills in the event of an emergency.

CHILD’S RECORD (FCCH I: 1-006.06; FCCH II: 2-006.06)

1. How long does a FCCH provider need to keep past clients day care records?

Family Child Care Home Regulations do not specify how long children’s records have to be kept. This decision is up to the licensee.

There are, however, requirements for keeping billing records if you accept Child care Subsidy (Title XX). Check with your Resource Developer before destroying any billing records.

2. Can text message from parent take the place of written permission for transporting children, leaving the premises, medications, etc.?

When documentation is required to be maintained for “written permission” from a parent, a “text messages” is not sufficient documentation. E-mail can be used for “written permission” if printed and maintained in the child’s file.

3. Do providers need to add allergy information and current health status of children to “old” records if these children were enrolled before May 20th? Can we just accept the old children’s enrollment form for those children and enforce the new information for children just recently enrolled?
 - **The two most current versions of “Children’s Record Form” (CRED-0364 dated 4/13 and CRED-0363 dated 10/09) already include allergy information and current health status of children.**
 - **If licensees are using the 6/07 or any older version of Children’s Record, they need to start using the April 2013 version with newly enrolled children.**

STAFF-TO-CHILD RATIO (FCCH I: 1-006.08, pages 26-27; FCCH II: 2-006.08, pages 24-25)

1. Family Child Care Home II regulation book does not state that two providers can care for three infants each, one of the three must be over 12 months?

There is no change in the staff-to-child ratio for Family Child Care Home II programs with two providers. When allowed by the Fire Marshal, a total of six infants can be in care as long as two of the infants are at least 12 months of age and the maximum number of children in care is 12.

2. Under the new regulations and old regulations, grandchildren are listed as “own” children. Does this only mean grandchildren residing in the home of the licensee or any grandchildren? How are grandchildren considered as far as age and maximum capacity when no pay is received for grandchildren, and they do not live with the licensee?

Grandchildren have always been considered “own” children for purposes of ratio and capacity. Grandchildren may live with their parents or live with the licensee to be considered “own” children. Grandchildren under age 8 are always counted in the ratio and capacity.

Grandchildren over age 8 for whom no compensation is received do not count in ratio or capacity.

Grandchildren age 8 and older for whom compensation is received (private pay or Child Care Subsidy) now count in ratio and capacity.

3. Under the previous regulations, a Family Child Care Home I licensee could request an Alternative compliance if asked to serve twins or triplets. (391 NAC 6-006.02 Child/Staff Ratio: In the event of multiple births, an alternative compliance may be considered.) Does this still apply?

No. There are no exceptions to the staff-to-child ratio in the Family Child Care Home I or Family Child Care Home II regulations. When allowed by the Fire Marshal, a Family Child Care Home I licensee who wants to serve three infants must have one infant who is 12 months or older and the maximum number of children in care is limited to eight.

When allowed by the Fire Marshal, if a Family Child Care Home I licensee wants to serve four infants, the program must be “infant only”. If additional infants are served, there must be a second provider when the 5th infant is in care and the limit is a total of 8 infants.

4. Volunteers – do their children count in my license capacity since I am not getting paid for them or paying the volunteer?

Yes, children of volunteers under age 13 count in the license capacity. Volunteer’s children age 13 and older and adult children who need care and supervision also count in the license capacity.

Communicable Diseases (FCCH I: 1-006.09, page 25 – 26; FCCH II: 2-006.09, pages 27 – 28)

1. Clarification needed on reportable diseases – who determines the child has the illness – parent, doctor, provider or caregiver? If a parent said the child had influenza does that suffice and provider has to follow the protocol for reporting illness? Does influenza include the stomach flu or is it just the respiratory disease that is reportable?

Head lice does not require a licensed health care practitioner to diagnose. Parents need to be notified when the licensee observes one child with head lice.

The following diseases need to be diagnosed by a physician, physician’s assistant, advanced practice nurse, or registered nurse to verify the disease is present before notifying parents:

- Chicken pox
- Conjunctivitis
- Pin worm
- Ring worm
- Scabies
- Fifth disease

The following diseases need an actual “test” to verify the disease is present before notifying parents:

- Influenza
- RSV
- Rotavirus

Immunizations (FCCH I: 1-006.11, page 26; FCCH II, 1-006.11, page 28)

1. I care for a child that is not immunized and the parents sign a waiver for the immunization record. Do I have to let other parents know I am caring for a non-immunized child?

There are no statutes or regulations that require a licensed child care program to inform parents that some of the children in their program are not immunized because parents do not want their child(ren) to be immunized or children who have a medical reason (i.e. allergies or other medical conditions) that prevents them from getting immunizations.

If someone becomes ill with Measles, Mumps, or Rubella or other vaccine-preventable diseases, the child care program should exclude children at risk until the situation is resolved. As always, if the parent has health concerns, they should check with their healthcare provider.

Supervision of Children (FCCH I: 1-006.12, page 27; FCCH II: 2-006.12, page 28)

1. Does a baby monitor count as hearing, if you are outside watching older children?

If the licensee is outside watching other children, an operable baby monitor can be used only when an infant is sleeping

2. If parents want their child to ride a bike, go for a walk, etc. without the licensee's supervision, is this allowed?

If parents want their child to participate in activities off the premises of the licensed Family Child Care Home and not be supervised by the licensee or staff, they must give written permission for the child to leave the child care premises and state the parent understands the licensee is not responsible for supervision while his/her child participates in activities outside the child care premises or outside the supervision of the licensee.

USE OF PHYSICAL HOLD (FCCH I: 1-006.13C, page 28; FCCH II: 2-006.13C, pages 30)

1. If a Family Child Care Home licensee cares for children for whom holding and rocking is recommended to calm them. Will this be considered "Use of physical hold"?

Holding and rocking a child when it is not used in response to a child hurting him/herself, others, or property would not be considered a physical hold or restraint.

If however, physical holds are used when a child is hurting him/herself, others, or property would be considered a physical hold and the licensee needs to follow the regulations for "Use of Physical Hold" and/or "Use of Restraints" if the holds are used routinely.

2. What are the approved training curriculums when licensees plan to use restraints?

The following curriculums are approved by the Department when staff participate in restraining a child:

Therapeutic Crisis Intervention (TCI) through Cornell University

- a. Registration/Payment: Alisa Burns ab358@cornell.edu (607) 255-4528
- b. On-site Training: Eugene Saville eas20@cornell.edu (607) 254-5210
- c. Trainer Certification: Kris Carlson kmc16@cornell.edu (607) 254-5440

The telephone contact numbers are on the website as well. There are no mailing addresses.
<http://rccp.cornell.edu/contact.html>

Non-Violent Crisis Intervention through the Crisis Prevention Institute.

- d. Crisis Prevention Institute; 10850 W. Park Place, Suite 600; Milwaukee, WI 53224; (888) 426-2184
<http://www.crisisprevention.com/Specialties/Nonviolent-Crisis-Intervention/Our-Program/Program-Overview>

The Mandt System

- a. The Mandt System; PO Box 831790; Richardson, TX 75083; (972) 495-0755;
- b. Training: kevin@mandtsystem.com
- c. <https://www.mandtsystem.com/schedule/overview/>

Therapeutic Aggression Control Techniques (TACT 2)

- a. All contacts are done via this website
<http://www.tact2.com/home.html>

Safe Crisis Management through JKM Training Inc

- a. JKM Training, INC.; 1710 Ritner Highway, Suite 1: Carlisle, PA 17013; (866) 960-4726
- b. info@jkmtraining.com
- c. <http://www.safecrisismanagement.com/main.aspx>

BEDS, CRIBS, AND SLEEPING SURFACES (FCCH I: 1-00615B, page 30; FCCH II: 2-006.15B, page 31)

1. Can a child who is 12 months old and older have a blanket while napping on cot or sleeping bag?

Yes. The regulations do not address blankets when children 12 months or older are sleeping on a bed, cot, sleeping bag, or mat.

2. Can an infant under 12 months of age have a blanket with parent permission?

Children under 12 months must be placed in a crib or play pen for sleeping. If a blanket is used, it must be secured or tucked under the crib mattress or the pad of the Play pen and reach no higher than the infant's chest.

3. If a provider has a doctor's note saying an infant can sleep in a swing or bouncy seat and the infant is in a swing or bouncy seat and also has a blanket – can they keep the blanket since the regulation only addresses cribs?

Yes. There is no prohibition or limitation on blankets used for any child who is not sleeping or napping in a crib or playpen.

Wading and Swimming Activities (FCCH I: 1-006.18, pages 32 – 33; FCCH II: 2-006.18, pages 33 – 35)

1. Do Family Child Care Homes have to meet the same staff-to-child ratios when taking children to a licensed swimming pool as Child Care Centers?

No. There are no specific staff-to-child ratio when Family Child Care Home Licensees take children to a licensed swimming pool other than the staff-to-child ratio for a Family Child Care Home I or II. When the depth of a pool's water is over four (4) feet, there must be someone on duty who has satisfactorily completed a swimming water safety course.

2. What are the requirements for a Swimming Pool "permit" issued by the Department of Health and Human Services?

Here is the link to the DHHS Permit requirements for Swimming Pools:

http://dhhs.ne.gov/publichealth/Pages/puh_enh_san_swimming_swimindex.aspx

This web page includes the application forms and the regulations that govern swimming pools that require a permit, including those located on the premises of a licensed child care program used by the children enrolled in the program – Title 178 Nebraska Administrative Code Chapters 2 and 4.

Please feel free to contact any of the DHHS staff listed on the web site for more information about the process of obtaining a permit for a swimming pool.

TRANSPORTATION (FCCH I: 1-006.19, page 33; FCCH II: 2-006.19, page 35)

1. Will parents who transport for field trips need the following in each vehicle:
 - i. parent contact information
 - ii. a first aid kit

Yes. Any vehicle in which children in care are being transported must have parent contact information for the children who are in that vehicle and a first aid kit.

Medications (FCCH I: 1-006.20, pages 34 – 35; FCCH II: 2-006.20, pages 36-37)

1. My preteen daughter keeps her inhaler/nebulizer by her bed on her night stand in her bedroom where daycare children aren't allowed-does it need to be locked-she uses these numerous times during the day?

All medications must be locked at all times. If the daughter of the licensee keeps her bed room door locked, she can keep her inhaler/nebulizer on her night stand. If the bed room door is not locked, then the inhaler/nebulizer medication must be in locked storage.

FOOD SAFETY (FCCH I: 1-006.22, pages 36-37; FCCH II: 2-006.22, page 38)

1. Does breast milk need three (3) dates on it - date expressed, date frozen, and date received?

Yes. "All prepared formula or breast milk must be refrigerated and clearly labeled with the child's name, date received, date expressed and date frozen".

2. Breast milk can only be stored frozen for 3 months. Which date does the 3 months start from....date received, date expressed or date frozen?

The three months start the day the breast milk was expressed.

EMERGENCY PREPAREDNESS (FCCH I: 1-006.23, pages 37-38; FCCH II: 2-006.23, pages 38 – 39)

1. If a licensee does not and will NEVER provide care for special needs children will they still need an emergency disaster plan specific to a special needs child?

The licensee needs to include a statement that s/he will never provide child care for children with special needs in the "Disaster Preparedness Plan". However, many children have "special needs" that can be easily accommodated in a Family Child Care Home i.e. children with asthma or other respiratory problems, children with learning disabilities. Licensees are encouraged to review the definition of "Special needs" on page 5 in the FCCH I and FCCH II regulations.

2. An in-service on disaster preparedness would be helpful.

Many local Health Departments are providing training to child care programs on Disaster Preparedness and how to write a Disaster Preparedness Plan. Contact your local Health Department for more information about training in Disaster Preparedness.

3. How does a home I provider document Tornado/Fire when they take summers off? Are they still required to practice and document?

When a licensee does not operate for extended periods of time such as the summer months, include this information in the Child Development Program. Fire Drills do not have to be practiced in any month the Family Child Care Home is closed for the entire month.

ENVIRONMENTAL SERVICES (FCCH I: 1-006.24, page 38; FCCH II: 2-006.24, page 40)

1. What if my husband sleeps (because of shift work) in the basement or our bedroom - do Child Care Inspection Specialists have to see that space and wake him up?

The Environmental Services regulations require the licensee to provide child care in a safe, clean, comfortable environment. Every area and building on the same premises used for child care must comply with these regulations, thus the Child Care Inspection Specialist will need see the space in the basement or bedroom.

2. The Sanitation guidelines seem very gray. Is there a specific guideline about what is “clean”? It seems as though each Specialist has a different idea of what is clean/not clean and what I consider to be picked up/clean has not been OK for the Specialist that comes to my house. Also my basement area is for my own children and teenager rooms and I was told that these will need to be cleaner than what it was and clothes and things put away all the time with the new regulations. These areas are not areas where daycare children are allowed.

Environmental Services regulations including “Housekeeping and Maintenance” and “Maintenance of Equipment, Fixtures, Furnishings, and Toys” apply to “every area and building on the same premises used for child care”. This includes rooms in the house, basement, garages, and other areas of the home or facility that are not used for child care.

“Clean” is the absence of garbage, rubbish, dirt, mold, mildew, sewage, and other contaminants.

3. What about outdoor areas? For example when a FCCH licensee has a separate fenced area for the children but their husband has a work shed/hobby area where he works on cars, etc. How will Specialists be enforcing those areas where children are not allowed or have specifically fenced off from the daycare?

Outdoor areas must be free of garbage and rubbish that creates odor and the transmission of infectious diseases and prevents the attraction of rodents, flies, and all other insects, and vermin. If the Specialist has a question about an outdoor area, pictures of the space should be taken and shared with an Environmental Health Scientist who can then decide if a separate sanitation inspection is warranted.

Alcohol and Controlled Substances (FCCH I: 1-006.01, #10, page 16 and 1-006.25B, page 39; FCCH II: 2-006.01, #10, page 10 and 2-006.25B, page 41)

1. If I am licensed 6 a.m. to 6 p.m. Monday through Friday and I am on vacation for a week at home, can I drink alcohol between 6 a.m. and 6 p.m. Monday through Friday – my “hours/days of operation”?

Yes, you can consume alcohol during the hours/days of operation when no children in care are present.

2. I am licensed for 24 hours/7 days a week so I can watch children if needed for an occasional overnight. I also sometimes have ladies night where there are no children allowed and moms come to relax at my home – we enjoy adult beverages during this time. Will I violate any regulations by doing this?

As long as no children in care are present, consuming adult beverages is not a violation of any regulation.

ANIMALS/PETS (FCCH I: 1-006.25C, page 39; FCCH II: 2-006.25C, page 41)

1. If the Veterinarian signed off that the pet does not need to be seen for two or three years will the provider be in compliance?

No. The requirement is that all pets have to be examined annually by a licensed veterinarian and have documentation available.

2. Do we have an exotic animal list?

The list of exotic animals includes: Either the list or an attachment will be provided in the final Q & A.

OTHER ENVIRONMENTAL SAFETY REQUIREMENTS (FCCH I: 1-006.25E, pages 39 – 40; FCCH II: 2-006.25E, pages 41 – 42)

1. Is there a specific list of cleaners, poisons and chemicals that should be locked and those that don't need to be locked? What about items in the garage like gas, oil, and other car related stuff?

There is no change in the regulations for cleaners, poisons, and other chemicals to be in locked storage at all times during the licensed hours of operation. All cleaners, poisons, and chemicals must be in locked storage. Items like gas, oil, and car related chemicals also need to be in locked storage or a locked room or garage.

2. When paint and toxic chemicals are kept in the garage with a locked door between the attached garage and house, is that ok?

Yes, keeping paint and toxic chemicals in the garage when the door to the garage is locked, is OK. It is important that all storage areas be kept free of excessively combustible or highly flammable materials anywhere on the premises.

FENCING (FCCH I: 1-007.04, pages 41; FCCH II: 2-007.04, pages 43)

1. Do air conditioners need a form of protection around them and what is acceptable?

If an outdoor air conditioner or heat pump is in the outdoor play area and has loose or broken parts, rust, or creates a hazard, a barrier to prevent children accessing the air conditioner/heat pump is required.

2. Does an outdoor fire pit need to be fenced?

If the outdoor fire pit is in the outdoor play area and is a hazard based on the depth, construction, and/or storage of wood and/or chemicals, a barrier to prevent children from accessing the outdoor fire pit is required.

3. A FCCH licensee has a water feature that is not a pond. It is described as “several tubs and water pots that water runs between” and is not more than 12 inches deep. Water does stay in the tubs/pots at all times and sprays/runs between the different pots. Will it need to be fenced?

Yes, a “water feature” that includes standing or circulating water at any depth must be fenced.

Outdoor Play Area (FCCH I: 1-007.03, page 41; FCCH II: 2-007.03, page 43)

1. Is a bunny rabbit considered a barn yard animal? How about a guinea pig?

The following are considered “barnyard animals”: chickens, turkeys, ducks, geese, cows, donkeys, horses, llama, pigs, goats, and sheep.

Thus, rabbits and guinea pigs (species of rodent) are not considered “barn yard” animals.

2. Can you have a bounce house or trampoline?

Yes, these items are not prohibited by any licensing regulations.

Fire Safety (FCCH I: 1-007.07, page 42; FCCH II: 2-007.07, page 44)

1. Can Family Child Care Homes have electric “scentsy pots” (pots that have scented hot wax) in use while children are in care? While not an open flame, the pot gets hot enough to melt the wax.

Nebraska’s Life Safety Code does not address this device. The Life Safety Code only addresses heating devices and prevention against contact burns. Therefore, this device is not prohibited in a licensed child care program.

There are now newer devices under a trade name of “Sensi” which uses a light bulb to heat the wax. These devices are allowed even in nursing homes and are much safer than the pots that are heated directly by electricity.

If used, the licensee must supervise all children when they are in any room that has melting wax to insure children are not burned.

2. Are lit candles on a child's birthday cake OK?

No, there are no exceptions to the requirement that "Open flames must not be used while children are in care". Weather permitting, candles could be lit outside.

OTHER ITEMS OF INTEREST

1. Information on the insurance that will be required in the future should be posted on the Department's Children's Services Licensing website for providers to access.

Here is the link to the final language of the legislation - LB 105 – that will require licensed child care programs to obtain and maintain liability insurance on their child care program:

<http://www.nebraskalegislature.gov/FloorDocs/Current/PDF/Slip/LB105.pdf>

- **The requirement goes into effect for applicants for a child care license on July 1, 2014.**
- **The requirement goes into effect for programs that are already licensed July 31, 2014.**

If you have additional questions or want clarification on a question and answer in this document, please send an e-mail to Pat Urzedowski at this link: pat.urzedowski@nebraska.gov